

STATEMENT OF PURPOSE

RS21634

The purpose of this legislation is to provide for the renewal of an expired hydropower water right while maintaining the director of the Department of Water Resource's authority to review the water right. Currently, section 42-203B(6), Idaho Code authorizes the director of the Department of Water Resources to limit a hydropower water right to a specific term. A recent Idaho Supreme Court decision suggested that the Department of Water Resources does not have authority to set a term of years with flexibility, but instead might have to establish a fixed term that, upon expiration, could require a power producer to reapply for a water right. This legislation provides for an automatic renewal unless the director issues an order prior to the end of the current term.

FISCAL NOTE

No impact to the General Fund or any other fund. Renewal of a water right term will save the Department of Water Resources personnel time and costs associated with processing new water right applications that would be required if water right licenses for power purposes expire.

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